

Assembly Bill No. 1812

Passed the Assembly August 7, 2014

Chief Clerk of the Assembly

Passed the Senate June 26, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 128766 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1812, Pan. Health facilities: information: disclosure.

Existing law requires health facilities to file specified reports with the Office of Statewide Health Planning and Development. These reports include a Hospital Discharge Abstract Data Record, an Emergency Care Data Record, and an Ambulatory Surgery Data Record, which contain information regarding each patient. Existing law requires the office to maintain a file containing these reports and, subject to any rules the office may prescribe, requires that these reports be produced and made available for inspection upon the demand of any person, with the exception of hospital discharge abstract data that is required to be made available unless the office determines that an individual patient's rights of confidentiality would be violated.

Existing law requires the office, notwithstanding any other law, to disclose, upon request, information contained in the above records to any California hospital and any local health department or local health officer. Existing law requires the office to disclose that same information to the National Center for Health Statistics or any other unit of the Centers for Disease Control and Prevention, or the Agency for Healthcare Research and Quality of the United States Department of Health and Human Services, for conducting a statutorily authorized activity, except as specified.

This bill would expand the list of federal agencies authorized to receive the disclosures of information described above to include the Centers for Medicare and Medicaid Services, the Health Resources and Services Administration, the Indian Health Service, Tribal Epidemiology Centers, as defined, the National Institutes of Health, the National Cancer Institute, and the Veterans Health Care Administration within the United States Department of Veterans Affairs.

The people of the State of California do enact as follows:

SECTION 1. Section 128766 of the Health and Safety Code is amended to read:

128766. (a) Notwithstanding Section 128765 or any other provision of law, the office, upon request, shall disclose information collected pursuant to subdivision (g) of Section 128735 and Sections 128736 and 128737, to any California hospital and any local health department or local health officer in California as set forth in Part 3 (commencing with Section 101000) of Division 101. The office shall disclose this same information to the United States Department of Health and Human Services or any of its subsidiary agencies, including the National Center for Health Statistics or any other unit of the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Centers for Medicare and Medicaid Services, the Health Resources and Services Administration, the Indian Health Service, Tribal Epidemiology Centers, which are defined as public health authorities pursuant to the federal Indian Health Care Improvement Act (25 U.S.C. Sec. 1601 et seq.), the National Institutes of Health, or the National Cancer Institute, or the Veterans Health Care Administration within the United States Department of Veterans Affairs, for the purposes of conducting a statutorily authorized activity. All disclosures made pursuant to this section shall be consistent with the standards and limitations applicable to the disclosure of limited data sets as provided in Section 164.514 of Part 164 of Title 45 of the Code of Federal Regulations, relating to the privacy of health information.

(b) Any hospital that receives information pursuant to this section shall not disclose that information to any person or entity, except in response to a court order, search warrant, or subpoena, or as otherwise required or permitted by the federal medical privacy regulations contained in Parts 160 and 164 of Title 45 of the Code of Federal Regulations. In no case shall a hospital, contractor, or subcontractor reidentify or attempt to reidentify any information received pursuant to this section.

(c) No disclosure shall be made pursuant to this section if the director of the office has determined that the disclosure would create an unreasonable risk to patient privacy. The director shall

provide a written explanation of the determination to the requester within 60 days.

Approved _____, 2014

Governor